

Message Text

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ACTION IO-10

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TO SECSTATE WASHDC NIACT IMMEDIATE 3958

INFO AMEMBASSY SANTIAGO

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PASS LABOR FOR SEGALL

E.O. 11652: N/A

TAGS: ILO, PORG, CI

SUBJECT: ILO CONFERENCE: CREDENTIALS OF CHILEAN WORKER DELEGATE

REF: STATE 146264

1. CREDENTIALS COMMITTEE HAS SUBMITTED DIVIDED REPORT ON CREDENTIALS OF CHILEAN WORKER DELEGATE GUILLERMO MEDINA GALVEZ. GOVERNMENT CHAIRMAN VELDKAMP AND EMPLOYER MEMBER VERSCHUEREN SEE ISSUE AS ONE OF FREEDOM OF ASSOCIATION AND THEREFORE BEYOND COMPETENCE OF CREDENTIALS COMMITTEE. WORKER MEMBER OLAF SUNDE TOOK POSITION FREEDOM OF ASSOCIATION CONSIDERATIONS WERE WITHIN COMPETENCE OF COMMITTEE AND THAT CHILEAN WORKER'S CREDENTIALS SHOULD NOT BE RECEIVED. SUNDE CITED FOLLOWING PRECEDENTS WHEN CONFERENCE DID NOT RECEIVE CREDENTIALS ARGENTINE WORKERS (1945) ON BASIS OF LACK OF FREEDOM OF ASSOCIATION, AND HUNGARIAN WORKER (1957 AND 1958) WHERE SOLE WORKERS ORGANIZATION WAS CONSIDERED UNREPRESENTATIVE OF WORKERS. SUNDE ALSO CITED FIFTH REPORT OF CREDENTIALS COMMITTEE TO CONFERENCE LAST YEAR, IN WHICH COMMITTEE SAID IN SPIRIT OF ARTICLE 3 PARA 5 OF ILO CONSTITUTION, CONSULTATIONS FOR PURPOSE

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OF NOMINATING NON-GOVERNMENT DELEGATES SHOULD TAKE PLACE WITH TRULY

REPRESENTATIVE EMPLOYERS AND WORKERS ORGANIZATIONS. VERSCHUEREN AND VELDKAMP TOOK POSITION SUNDE'S CITATIONS REFERRED TO EXTRAORDINARY POLITICAL SITUATIONS AND WERE NOT VALID PRECEDENTS.

2. REPORT THUS WILL COME BEFORE THE CONFERENCE PLENARY FOR A VOTE, PROBABLY LATE TUESDAY, JUNE 24 OR JUNE 25. THERE ARE SEVERAL IMPORTANT CONSIDERATIONS TO BE TAKEN INTO ACCOUNT IN ARRIVING AT THE USG POSITION IN THIS MATTER. THE DEBATE WILL TAKE PLACE WITHIN THE CONTEXT OF FREEDOM OF ASSOCIATION. THE US DEL HAS LONG BEEN THE PRIMARY SUPPORTER OF FREEDOM OF ASSOCIATION IN THE ILO, AND THE STRONG STAND OF THE ENTIRE U.S. DELEGATION ON THE QUESTION OF HUNGARIAN CREDENTIALS IS STILL REMEMBERED HERE. DEPARTMENT SHOULD ALSO BE AWARE THAT THE U.S. GOVERNMENT REPRESENTATIVE DURING THE PLENARY DISCUSSION OF THE REPORT OF THE COMMITTEE ON TRIPARTITE MACHINERY TODAY (JUNE 21) CRITICIZED THE DECISION OF THE COMMITTEE NOT TO INCLUDE REFERENCES TO THE IMPORTANT RELATIONSHIP OF FREEDOM OF ASSOCIATION TO TRIPARTITE MACHINERY. IT ALSO SHOULD BE NOTED THAT EVEN THOUGH THE ISSUE IS WHETHER THE CREDENTIALS COMMITTEE HAS COMPETENCE TO QUESTION THE CREDENTIALS OF DELEGATES ON THE BASIS OF FREEDOM OF ASSOCIATION, THIS WILL BE REGARDED BY MANY DELEGATIONS AS AN OVERLY LEGALISTIC APPROACH, PARTICULARLY IN VIEW OF THE REPORT OF THE FACT FINDING AND CONCILIATION COMMISSION ON FREEDOM OF ASSOCIATION IN CHILE.

3. ANOTHER CONSIDERATION WHICH THE DEPARTMENT MAY WISH TO TAKE INTO ACCOUNT IS THE ATTITUDE OF THE AFL-CIO IN THIS MATTER. SINCE USDEL IS NOT ABLE TO CONSULT THE U.S. WORKER DELEGATE, IT IS RECOMMENDED THAT THE DEPARTMENT OBTAIN THE VIEWS OF THE AFL-CIO IN CONSIDERING ITS POSITION ON THIS QUESTION.

4. INSTRUCTIONS REQUESTED AS TO WHETHER USDEL SHOULD SUPPORT THE MAJORITY REPORT, WHICH WOULD NOT INVALIDATE THE CREDENTIALS OF THE CHILEAN WORKER DELEGATE, OR THE MINORITY REPORT UNDER WHICH THE CHILEAN WORKER WOULD NOT BE SEATED, OR ABSTAIN. SINCE A TWO-THIRDS VOTE BY THE CONFERENCE IS REQUIRED TO REFUSE TO ADMIT A DELEGATE WHOSE CREDENTIALS HAVE BEEN CHALLENGED, THERE IS IN ANY CASE SOME DOUBT AS TO WHETHER THE MINORITY REPORT WOULD BE ADOPTED. DALE

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